

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN BERNARD, WILLIAM BERNARD,
PAMELA MARTIN, individually and on
behalf of all others similarly situated,

Plaintiffs,

V.

BNY MELLON, N. A.,

Defendant.

2:18-CV-00783-RJC-CRE

United States District Judge Robert J. Colville

Chief United States Magistrate Judge
Cynthia Reed Eddy

ORDER ADOPTING REPORT AND RECOMMENDATION

On June 15, 2018, the above captioned case was filed in this Court and was referred to a magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court for Magistrate Judges.

On November 30, 2020, Chief Magistrate Judge Cynthia Reed Eddy issued her Report and Recommendation (ECF No. 143) in which she recommended denial of the motion for judgment on the pleadings filed by Defendant BNY Mellon, National Association (“BNY Mellon”) (ECF No. 129). On December 14, 2020, Defendant BNY Mellon filed its objections (ECF No. 144), and on December 28, 2020, plaintiffs filed a brief in opposition to BNY Mellon’s Objections. (ECF No. 145).

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, objections and responses thereto, the Court adopts the

Report and Recommendation (ECF No. 143) as the Opinion of the Court and accepts the magistrate's recommendation.

Accordingly,

AND NOW, this 31st day of March, 2021, BNY Mellon's Motion for Judgment on the Pleadings Dismiss (ECF No. 129) is **HEREBY DENIED**.

s/ Robert J. Colville

Robert J. Colville

United States District Judge

cc: all ECF registered counsel